

Attorney Docket No. 23616.01

Applicant or Patentee: Warren E. Friss, et al.

Serial No. or Patent No. 09/488,107

Filed or Issued: January 20, 2000

Art Unit: 2768

Title: **"METHOD AND APPARATUS FOR OFFERING FOR SALE
COLLECTIBLES ON PRIMARY AND SECONDARY MARKETS"**

Assistant Commissioner for Patents
Washington, D.C. 20231

Attention: Director Joseph J. Rola, Technology Center 2700 (M.P.E.P. § 1002.02(c))

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**PETITION TO MAKE SPECIAL FOR NEW APPLICATION
UNDER M.P.E.P. § 708.02, VIII**

1. Petition

Applicants hereby petition to make special this new application, which has not received any examination by the Examiner.

2. Claims

All the claims in this are directed to a single invention.

3. Search

A search has been made by NERAC, a professional search firm, employing their patent and technical databases. The search argument that was used in this search is attached hereto as an Appendix A.

4. Copy of references

There is submitted herewith a copy of each of the references deemed most closely related to the subject matter encompassed by the claims. Also attached are Forms PTO/SB/08A and 08B (formerly Form PTO-1449).

5. Detailed discussion of the references

In the following, there is submitted a detailed discussion of the references, which discussion particularly points out how the claimed subject matter is distinguishable over the references.

The most pertinent references identified in our search are the following publications:

1) "How to Sell Your Wares At Online Auctions -- Give Some Thought to This High-Tech Opportunity to Earn Cash"; Link-Up, v16, n6, p27, 1999-11-01, 1 page(s)

This is a guide to selling merchandize and advises how to set up an online auction. This guide mentions that trading cards, among many items, may be sold at auction.

2) "A Baseball Card Seller Finds Vertical Auctions Outdo eBay"; Internet World, v5, n19, p1, 49, 1999-05-17, 2 page(s)

This article reports results of a study to determine whether vertical online auction sites brought higher sale prices than auction giant eBay. One of the items for auction were base ball cards.

A copy of an abstract of each of the above listed publications is enclosed herewith.

The following publications relate generally to auctioning of a variety of items and are deemed to be of significantly less interest than those publications listed above:

3) "Hasbro Holds On-Line Auction for Collectibles"; Providence Journal-Bulletin, 1998-11-12, page F.01

4) "Auctioneer Ready For Public Time?"; Interactive Week, vol. 5, no. 5, 1998-02-09, page 53

A copy of an abstract of each of the above listed publications is enclosed herewith.

The following websites are deemed to be of lesser significance than the two publications noted above in that they auction trading cards:

5) www.liveauctiononline.com

6) www.linkopedia.com/auctions1.html (could not access)

Copies of the screens of the liveauction website, downloaded on April 26, 2000, is deemed to be of a significantly lesser significance than the two publications noted above.

The following patent is deemed to be of a significantly lesser significance than the two references noted above:

U.S. Patent No. 4,903,201 of Wagner relates to a computerized system for transacting sales of a particular futures commodity contracts.

A copy of this patent is enclosed.

6. Fee

Please charge the fee of \$130.00 required by 37 C.F.R. 1.17(i) to the Deposit Account Number 03-3415 in the name of Cowan, Liebowitz and Latman, P.C.



Signature of Practitioner

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